

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19571-2021 (O&M)
Date of Decision: May 28, 2021.

NEHRI @ KHILARI @ GILEHRI Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rahul Jaswal, Advocate for the petitioners.

Mr. Ashish Yadav, Addl. AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner seeks concession of anticipatory bail in FIR No.232 dated 21.04.2021 under Section 20 of NDPS Act, (offences under Sections 420, 467, 468, 471, 120-B IPC added subsequently) registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner submits that petitioner has no connection whatsoever with the alleged recovery and he is merely sought to be implicated in this case as he had rented out the truck/canter from which recovery of about 296 kilograms of Ganja Patti was effected. The said canter, it is submitted, does not belong to petitioner. Petitioner's wife has already been taken in custody in the present FIR as she holds the power of attorney of the vehicle/canter in question. It is thus prayed that this petition be allowed.

Learned counsel for the State has opposed this petition.

Heard learned counsel.

As per allegations in the FIR, secret information was received in respect to a person carrying a plastic bag at the Karhans turn. While relying upon the said information, police officials apprehended the said person, who disclosed his name to be Shakil son of Babu. 29.465 kilograms Ganja Patti was allegedly recovered from Shakil. Furthermore, on the basis of disclosure statement of the accused Shakil, 296.73 kilograms Ganja Patti was recovered from a secret compartment in one canter bearing registration no. HR-55Y-6123. Present petitioner is stated to be the owner of the said canter. Petitioner claims that he is not owner of the canter in question, though it is not denied that petitioner's wife holds the power of attorney of the said canter. It is specifically mentioned in para 4 of this petition that petitioner is sought to be roped in because he had rented out the said canter to Shakil @ Rs.45,000/- per month.

Learned counsel for the State, on instructions from SI Hari Parkash, Police Station CIA-I, Panipat submitted that there are call detail records of calls between the petitioner and co-accused from 06.04.2021 to 15.04.2021 i.e. the time when the co-accused had gone to Andhra Pradesh to secure the contraband. Therefore, at this stage, to say that petitioner is sought to be implicated merely and solely on the basis of disclosure statement of the co-accused, is not correct. In the factual matrix of the case, I do not find any ground whatsoever to afford the concession of

anticipatory bail to the petitioner. Custodial interrogation of the petitioner in the present case is clearly required.

Petition is accordingly dismissed.

28.05.2021
Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No